

LEWIS  
ANDROCA  
LLP

L A W Y E R S

E-Filed on 3/5/09

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

Rob Charles NV State Bar No. 006593  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
John Hinderaker AZ State Bar No. 018024  
Email: [jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,  
LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☒ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING  
OBJECTION OF USACM TRUST TO  
PROOF OF CLAIM OF KYONG  
AUSTIN AS FILED IN WRONG  
DEBTOR'S CASE AND NOT TIMELY  
FILED**

Hearing Date: April 10, 2009  
Hearing Time: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
THAT YOU FILED. The USACM Trust seeks to disallow your claim because the  
USACM Trust contends that your claim was filed in the wrong debtor case and was  
untimely filed.**

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

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**PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.**

**NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust by and through its counsel, has filed an Objection of USACM Trust to Proof of Claim of Kyong Austin as Filed in Wrong Debtor's Case and Not Timely Filed (with Certificate of Service) (the "Objection"). The USACM Trust respectfully requests that the Court enter an order pursuant to § 502 of title 11 of the United States Code (the "Bankruptcy Code") disallowing Proof of Claim No. 10725-02576 in its entirety.

**NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held before the Honorable Linda B. Riegler, U.S. Bankruptcy Court Judge in the Foley Federal Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on **April 10, 2009, at the hour of 9:30 a.m.**

**NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 10, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE HEARD ON THAT DATE.**

**NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed by **April 3, 2009,** pursuant to Local Rule 3007(b), which states:

If an objection to a claim is opposed, a written response must be filed and served on the objecting party at least 5 business days before the scheduled hearing. A response is deemed sufficient if it states that written documentation in support of the proof of claim has already been provided to the objecting party and that the documentation will be provided at any evidentiary hearing or trial on that matter.

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If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: March 5, 2009.

**LEWIS AND ROCA LLP**

By: /s/ John Hinderaker (AZ# 18024)

Rob Charles, NV 6593

John Hinderaker, AZ 18024

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169-5996

Facsimile (702) 949-8321

Telephone (702) 949-8320

Counsel for USACM Liquidating Trust

Copy of the foregoing mailed by first class

Postage prepaid U.S. mail

On March 5, 2009 to:

Kyong Austin

5155 W. Tropicana, #2117

Las Vegas, NV 89103

/s/ Carrie Lawrence

Carrie Lawrence